

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN THE MATTER OF THE
EXTRADITION OF SELIM STRUGA

No. 11-mc-51540
Hon. Gerald E. Rosen

ORDER DENYING RESPONDENT'S
RENEWED MOTIONS FOR BOND

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on January 17, 2013.

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

On December 7, 2011, the United States filed a Complaint for Provisional Arrest with a view toward the extradition of Selim Struga, at the request of the Republic of Albania pursuant to the Extradition Treaty between the two countries. In 1989, Struga had stabbed an individual named Gezim Celmeta during a bar fight in Tirana, Albania, and Celmeta subsequently died. Struga thereafter fled the country. He was subsequently admitted to the United States and became a naturalized United States citizen.

Struga was subsequently convicted in Albania in 2001 *in absentia* and sentenced to a term of 15 years imprisonment on the charge of "Intentional Murder," in violation of Article 76 of the Criminal Code of the Republic of Albania, and a warrant for his arrest was subsequently issued. Upon learning of Struga's whereabouts in the United States, the Government of Albania requested his extradition.

Magistrate Judge Laurie J. Michelson signed the warrant for provisional arrest and Struga was subsequently arrested and detained without bail. Struga appealed the Order of Detention, and on January 24, 2012, this Court affirmed the Magistrate Judge's Order detaining Struga pending a hearing on his extradition. Formal papers supporting Albania's Request for Extradition were subsequently filed on January 25, 2012. The matter was thereafter referred to Magistrate Judge R. Steven Whalen, pursuant to 18 U.S.C. § 3184 and L.R. 72.1(a)(2)(A), to conduct an extradition hearing.

The Magistrate Judge ordered briefing which was completed on June 27, 2012. However, before the Magistrate Judge was able to schedule the extradition hearing, on August 6 and August 24, 2012, Struga filed two Renewed Motions for Bond. The Government now has responded to these motions.

Struga's August 6 and August 24, 2012 Motions are based upon a ruling of local district court in Albania on July 27, 2012, that, as a matter of law, the statute of limitations had run on Struga's murder charge and, therefore, Struga was exempted from serving the earlier sentence that was imposed on him *in absentia*.¹ Struga claims that the Albanian court's ruling constitutes a sufficient change in circumstances to allow him to be released on bond while extradition proceedings are pending.

However, on July 30, 2012, the Albanian district court's decision was appealed by

¹ The August 6 motion was supported only by an Albanian newspaper report of the decision. The August 24 motion was supported by an actual copy of the Albanian court's ruling.

the Albanian General Prosecutor. *See* Government's Response Brief, Ex. A. According to the appeal, the lower court that made the ruling exempting Struga from the sentence imposed upon him was without legal authority to do so and, further could not overturn a more than ten-year-old ruling of a three-member panel Albanian Appellate Court. As of this date, the appeal is still pending. Under these circumstances, the Court finds that the lower court's ruling does not affect the status quo of the extradition request. Struga argued in his original motion for bail and in his appeal to this Court of the denial of his original motion that the statute of limitations had run thereby nullifying the underlying conviction and sentence. Likewise, a significant portion of Struga's Memorandum of Law in Opposition to Extradition [Dkt. # 26] is devoted to arguing that the conviction and sentence upon which the Request for Extradition is based should be viewed as barred by the Albanian statute of limitations. As there has been no definitive ruling from the Albanian Appellate Court as to the merits of such an argument, the Court finds no significant change in circumstances so as to warrant a reversal of its previous ruling denying bond. Therefore,

IT IS HEREBY ORDERED that Struga's Renewed Motions for Bond [**Dkt. Nos. 29 and 30**] are DENIED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: January 17, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or

counsel of record on January 17, 2013, by electronic and/or ordinary mail.

s/Julie Owens

Case Manager